

LEGISLATIVE COUNCIL

Supreme Court Conference Room

Boise, Idaho

May 17, 2007

MINUTES

The meeting was called to order at 9:00 a.m. by President Pro Tem Robert L. Geddes, co-chair. Members of the Legislative Council in attendance were Speaker Lawrence Denney, co-chair; Senators Bart Davis, Patti Anne Lodge, Clint Stennett, David Langhorst and Kate Kelly; and Representatives Mike Moyle, Gary Collins, Eric Anderson, Wendy Jaquet, Anne Pasley-Stuart and Nicole LeFavour. Senator John McGee was absent and excused.

Also in attendance or participating in the meeting were Senators Dean Cameron, Brad Little and Joe Stegner; Representative Scott Bedke; Bonnie Alexander, Sue Frieders and Terri Franks-Smith, House staff; Jeannine Wood, Rusti Horton and Mary Sue Jones, Senate staff; Bill von Tagen, Office of the Attorney General; Keith Johnson and Jan Frew, Department of Administration; Gary Daniel and Becky Henke, Idaho Capitol Commission; Peter Morrill, Idaho Public Television; and Ned Parrish, Office of Performance Evaluations. Legislative Services Office staff in attendance included Jeff Youtz, Sheila Ison, Rande Trueax, Cathy Holland-Smith, Mike Nugent, Don Berg, Glenn Harris, Paige Parker, Katharine Gerrity, Maureen Ingram, Ray Houston, Matt Freeman, Amy Castro, Dick Burns and Jason Hancock.

Action on the November 9, 2006, Legislative Council meeting minutes was deferred to later in the meeting to give members more opportunity to review the draft minutes.

Speaker Denney then introduced and welcomed the newest member of the House staff, Chief Clerk Bonnie Alexander, who “did an outstanding job for us as House Journal clerk last session.”

LEGISLATIVE SESSION DEBRIEFING

LSO Director Jeff Youtz discussed the 2006 New Legislator Orientation Program, noting that it included two days in early December, as well as third day on the first day of the session. The third day, added at the suggestion of Legislative Council members, was a “Law School for Legislators.” Mr. Youtz noted that he had gotten very positive feedback on the program and said it might be something the Legislative Council would want to do every year, depending on the issues. For example, a recent ruling received from the Idaho Supreme Court on e-mail might be a topic for a “law school” session next year. The Law School for Legislators included sessions on ethics, open meetings, public records and an informative session on the foundations of American Law presented by U.S. Court of Appeals Judge Steven Trott. Mr. Youtz noted that a training session for committee chairs was offered on the second day of the session as a result of a suggestion from Speaker Denney, who thought it would be especially helpful given the unusually high number of new chairmen this legislative term.

A panel of veteran House and Senate committee chairmen discussed civility, rules of procedure, committee management, managing difficult situations and reviewing administrative rules. A survey of those attending showed that the session was generally well received. One suggestion for future sessions was to include an experienced committee secretary, and Mr. Youtz noted that all suggestions for both the new legislator, law school and committee chair training will be incorporated in future programs. Pro Tem Geddes said he had received very positive feedback from senators who had attended and found the training to be a very helpful experience. "I certainly saw the benefit of that because, after the first week or two of the session, it would be a challenge to have someone come in and decide who was a freshman. They really hit the ground running."

Manager Mike Nugent, Research and Legislation Division, said his staff had been able to turn around bill requests within five days 99% of the time. He asked that members contemplating very large bills submit their drafting requests as early as possible so the bill production process runs smoothly. He suggested that Senate and House staff might benefit from having their own folding machines for session work, recommended that attaché training include procedures for statements of purpose, and said the Legislative Librarian could participate in training to emphasize the importance of meeting minutes as the historical record of a committee's action. He reported that some of his staff had worked overtime during the session because of workflow and had met with the Secretary of the Senate in an effort to resolve workflow issues for the next session. Senator Davis said he thought such issues should be addressed as they happened and not brought up after the fact. Mr. Nugent assured the Council that he and his staff would work closely with both Senate and House staff to coordinate workflow in an effort to limit excessive overtime.

Mr. Nugent then discussed the possibility of electronic distribution of proposed administrative rules during the interim. Proposed rules are sent by agencies to Legislative Services for review as they are promulgated throughout the interim. The proposed rules and written staff analysis of them traditionally have been distributed by regular mail to germane joint subcommittees for review. Members of germane joint subcommittees charged with initial rules review are the committee chair and vice chair and the ranking minority member. Many legislators have found that their mailboxes are inundated with the hard copies of rules, and the suggestion was made that they be distributed by e-mail instead. Mr. Youtz suggested surveying germane joint subcommittee members to determine if they prefer e-mail or regular mail distribution during the interim. Senator Stennett noted that if rules are being sent electronically, they may as well be sent to all members of a germane committee, and not just to a subcommittee. On a motion by Senator Stennett, seconded by Senator Davis, the Council unanimously voted to distribute proposed administrative rules to all members of germane committees who choose to receive them. Legislative Services staff will survey members to see which legislators want to receive rules during the interim and in what manner they wish to receive them—electronically or via regular mail.

Legislative Analyst Paige Parker presented information about the 2007 session rules review. Senate and House committees reviewed some 225 individual rules dockets comprising 2,280 pages. The Senate Health and Welfare Committee had the heaviest review load with 76 rule dockets comprising 1,345 pages. Mr. Parker said he would like to conduct more rules review training for committee chairs, vice chairs and attachés to help improve the review process. He went on to note that because the majority of proposed rules are procedural, the review process could be shortened if committees were to review just those proposed rules that are substantive or controversial. Mr. Youtz told the Council that Dennis Stevenson had left his position as the coordinator of administrative rules with

the Department of Administration, as had the assistant coordinator. Replacements have yet to be appointed. Pro Tem Geddes said how helpful Mr. Stevenson had been to the Legislature over the years and that his leaving was a real loss. He went on to say he thought the review of administrative rules was a critical component of the work of legislators.

Manager Cathy Holland-Smith, Budget and Policy Analysis Division, reported to the Council on the session's budget process, noting it had been a year of transition with a new governor and nine new members of the Joint Finance-Appropriations Committee. Pro Tem Geddes commented that things had gone extremely well, especially considering that it had been Mrs. Holland-Smith's first session as the manager. Mrs. Holland-Smith told the Council that managing to expectations is becoming increasingly difficult and stressful for staff, who typically work from early morning into the evening, and have only one or two full weekends off during the session. She said the schedule of all special hearings, supplemental requests, and scheduled hearings for all state agencies had been completed by JFAC in 30 days. The budget setting schedule was shortened to meet the goal of having a shorter session to accommodate the relocation. All regular budgets were set by March 2, with the exception of the Idaho Transportation Department, which was set at the same time as GARVEE. Budget setting was completed in 9 working days, 8 days fewer than during the 2006 session.

Although the budget setting was compressed, Mrs. Holland-Smith noted that the actual work effort to draft appropriation bills and to complete SOPs and sponsor sheets could not practically be accelerated; she recommended that the budget setting process revert to historical timelines. A total of 127 bills were prepared by the budget analysts, with all but 16 drafted within five working days and half of the others within six days. The satisfaction of JFAC members with staff support, budget processes and various publications will be surveyed when the committee meets June 4-6. Representative Jaquet suggested that in addition to JFAC members, other legislators be asked for their observations. Senator Stennett noted that when committee chairs and ranking minority members address JFAC, the minority member has not always been included.

Principal Budget Analyst Eric Milstead has taken a position with the Research and Legislation Division left vacant when Caralee Lambert resigned. Mrs. Holland-Smith said the new position was a good fit, as Eric is an attorney and his expertise will be invaluable. She said she was searching for another budget analyst. Jeff Youtz said, due to increased workloads, he thought it was time to begin considering the addition of one new analyst position to the Budget and Policy Analysis Division and one new bill drafter position to the Research and Legislation Division. He said he would like to move the division into five policy areas of expertise, and relieve Mr. Nugent of some of his bill drafting responsibilities, allowing him more time to concentrate on managing the division. Mr. Youtz said he would ask the Council to consider adding two positions during the next budget cycle.

Manager Glenn Harris, Information Technology Division, discussed user and system issues encountered during the session, noting that legislators and attachés are becoming more computer savvy and less support was needed for simple tasks, while more support was needed for complex tasks. System performance problems experienced at the beginning of the session were due to a legislative e-mail system update during the interim and a record deletion by the Department of Administration. Significant time was spent setting up Blackberries, PDAs and smart-phones, synchronizing these devices with GroupWise, and assisting legislators with instant messaging. There were also many requests made for Internet and wireless access, and with limited public access to the Legislature in the Capitol Annex, wireless access will become increasingly important. Because the

Legislature's system is connected to the state's CYMFONI system, the Department of Administration will have to grant permission for public access before wireless access to legislative information can be made widely available. On a motion by Senator Davis, seconded by Senator Stennett, the Council voted unanimously to send a strongly worded letter to the Department of Administration stating that the Council wants to make wireless access available during legislative sessions. In response to a question from Representative LeFavour, Pro Tem Geddes said the public will be able to view legislative action via monitors located in various areas in the Capitol Annex. He went on to say that decisions concerning policy issues related to encryption and use of passwords should be handled by the Joint Advisory Committee on Technology, not by the Legislative Council.

Senator Davis addressed the Council about his direction to staff during the session to disable the link allowing e-mail messages to be sent to all members of a committee. He said he had been concerned that the mass number of messages being sent to some legislators via such links was "gumming up the system." Legislators were not able to sort through the messages and respond to constituents from their districts. Representative Jaquet suggested that one way of sending messages to all committee members without bogging down the system would be to create separate committee mailboxes. That way those committee members who wanted to read the messages could open the committee mailbox, and individual mailboxes would not be affected. Senator Kelly thought it would be advantageous to look at what other states are doing in this regard. By general consensus, the Council agreed to refer the issue to the Joint Advisory Committee on Technology for more research, with the resultant information to be brought back to the Council at its fall meeting.

Representative Jaquet suggested the Legislature consider paying legislative interns. "Even a stipend of \$500 would be a recruitment tool." Senator Lodge asked if there would be a limit on the number of interns. Pro Tem Geddes said there was not enough space in the Capitol Annex for any additional people, that he had had to eliminate a position on his staff due to lack of space and that the number of pages the Senate could accommodate was also being considered. Senator Davis said that since there was no room until the Legislature moved back into the Statehouse, the issue could be considered more fully and a strategy could be developed over the next year or two. Pro Tem Geddes said he agreed with Senator Davis that accommodating more people in our current location would be a real challenge. Representative Jaquet said she would like to bring the issue up again next year when legislators have a better idea of Capitol Annex space issues.

Senator Stennett told Council members he would like to see minimum standards adopted for committee meeting minutes. "Senate State Affairs Committee minutes are exceptional, but some committees don't even record roll call votes." He said a template or guidelines could be developed to help secretaries improve minutes, so the minutes are stronger. Many things noted in the minutes as being available in the Legislative Library could also be included online. Representative LeFavour said she would like to see the same emphasis given to each speaker in the minutes of committee meetings, regardless of their perspective, "There should be a standard." Pro Tem Geddes suggested charging Secretary of the Senate Jeannine Wood and House Chief Clerk Bonnie Alexander to provide a little more detail on the training they provide to our secretaries. "We have the responsibility to approve minutes. If the minutes are not acceptable, then we need to quit saying they are. Certainly the secretaries of the committees follow the will of their chairmen to write the minutes."

Representative Pasley-Stuart said she feels that legislators should be acknowledged in the minutes when they make comments and motions. Also, a timely return of the minutes is important to helping assure the minutes accurately reflect what actually happened. Senator Stennett said he would like to have a template developed to improve training, perhaps with Senate and House staff working in conjunction with Legislative Services. He also recommended that minutes be approved at the end of meetings rather than the beginning, so attendees can review them adequately. Senator Davis noted that the Senate had from time to time brought in extra training to improve minutes. He concluded that when a committee is coming up short and needs help, there should be a discussion with leadership to resolve the problem and manage through a given session. "I respectfully would feel uncomfortable with Legislative Services becoming involved in how my side keeps its minutes." Representative LeFavour noted that when the minority has brought up concerns about minutes, they've been told "it's the purview of the chairman." Jeannine Wood told the Council that taking minutes is a skill that takes time to develop and that staff turnover makes it difficult. Someone new to the committee doesn't know the subject and what's important, often resulting in the minutes being too long. "We train new secretaries, give them samples, templates, we tell them who, what, when, where and why, then they leave after the session to take a full time job and we have to start all over the next year. We really do our best. This year we even hired someone to proof our minutes and that helped."

Jeff Youtz then brought up the need to revise outdated legislative statutes in Idaho Code. A clean-up bill of legislative statutes will be drafted to present to the Legislative Council at its fall meeting. Mr. Youtz will work with the Pro Tem, the Speaker, Senator Davis and anyone else who might be interested to develop a clean-up bill.

Deputy Attorney General Bill von Tagen presented information to Council members regarding a recent Idaho Supreme Court opinion that affirmed a district court ruling holding that e-mails between two county employees were public records. E-mail traffic between a legislator and a legislative employee is likely to be presumed to be public information. Concerning e-mail traffic between legislators, he said legislators should take a conservative approach and presume that it is public. Records retention was not addressed by the decision. Mr. von Tagen said, however, that if someone makes a public records request, the record must be kept until a court rules if the record is subject to release under the Public Records Act. "In general, it doesn't matter if a message is on a state computer or a personal computer, what determines if it is a public record is who it's from, who it's to and what is discussed."

Senator Davis noted that legislators use their laptops for both legislative and personal business. Mr. von Tagen said information that is exempt from disclosure remains so, regardless of who owns the equipment. In response to a question from Senator Kelly, Mr. von Tagen said that using a legislative computer to access a personal e-mail account would likely not be considered subject to disclosure. He answered a question from Representative Anderson regarding use of his personal laptop for state business by explaining that information that is subject to disclosure remains so, regardless of its location. Senator Davis recommended that the issue be referred to the Joint Advisory Committee on Technology for further research into what other states are doing and to review the Legislature's computer usage policy, so that legislators understand what their responsibility is regarding computers and public records. Senator Kelly suggested that the Legislature's retention policy might be incorporated into the computer usage policy. In response to a question from Representative Moyle regarding instant messaging, Mr. von Tagen said if there is a permanent record of an instant message and it relates to the conduct or administration of the public's business, then the person who

has the record could be required to produce it. “If the record doesn’t exist or is not related to the public’s business, then the answer is no.”

GENERAL FUND REVENUE AND BUDGET UPDATE

Manager Cathy Holland-Smith, Budget and Policy Analysis Division, reviewed the status of the state General Fund, which shows revenues ahead of projections by nearly \$75 million, due to an increase in individual income taxes paid in April. The state is looking at a cash balance of \$108 million for 2008. Representative LeFavour noted that if population growth is driving the increase in income tax receipts, expanded public services might be needed. Mrs. Holland-Smith said that increases in inmate population growth had been budgeted for and Medicaid is running about a half million dollar surplus. In response to a question from Representative Jaquet, she explained that Idaho and Utah are the only states that don’t require estimated tax payments on certain business operations. Speaker Denney said it seems like for the last two years revenues have come in short in February and long in April, and noted that it could be a result of electronic tax return filing. “Isn’t it reasonable that we may need to change the model?” Mrs. Holland-Smith responded that that was a good point, as models are based on historical information and trends and they take some time to adjust. She said it was something she would discuss with the Division of Financial Management.

LEGISLATIVE AUDITS DIVISION

Manager Don Berg, Legislative Audits Division, gave the Council an overview of division activities. The highly qualified staff includes eleven certified public accountants, three certified government financial managers, a certified internal auditor and a certified information systems auditor. In addition, seven staff members have earned master’s degrees. The Legislative Audit Division is responsible for reviewing fiscal activities of 116 state agencies or entities. The division’s work includes review of the State Auditor’s Comprehensive Annual Financial Report, the Federal Single Audit report of federally funded programs in the state, and review of local government audit reports from school districts, cities and counties. The auditors visit each state agency at least once every three years, resulting in site audits of 25 to 30 agencies each year. Auditors also are required to complete 40 hours of continuing professional education each year and participate in peer reviews with auditors from other states and the federal government every two years. Mr. Berg went on to say that the audit reports prepared by his division, which follow generally accepted government accounting standards, must report any material findings and recommendations, as well as findings related to internal control. State agency audit reports are submitted to the Joint Finance-Appropriations Committee for approval and then posted on the Legislature’s Web site.

In response to a question from Senator Stennett regarding recently reported withdrawal of funds for “Generation of the Child” programs by Governor Otter, Mr. Berg said that a recent audit of the Department of Health and Welfare finds that the department’s use of federal TANF [Temporary Assistance for Needy Families] funds for certain programs may not meet TANF program objectives. Senator Stennett then asked if the same finding applies to TANF funds used for the Head Start program. Mr. Berg said the federal government has recently said that poison control and immunization registry are outside the scope of the TANF grant. The Head Start program was not specifically named, but Mr. Berg said the audit report was raising the question that Head Start, as an education program, likely did not fall within the scope of the TANF grant. Mr. Youtz reported that a request for written documentation from federal Region X to answer the question of Head Start

and the use of TANF funds had not yet been answered. If the documentation is not available regionally, a request for the information will be submitted to the Office of the Inspector General, Health and Human Services.

The intent of the audit report was to recommend that the department evaluate all programs funded by the TANF grant to ensure that funds are used only for activities that specifically meet the federal objectives, in light of those programs the federal government has said are outside the scope of the TANF grant. In response to a question from Senator Stennett concerning potential federal penalties, Mr. Berg said that there had been similar questions concerning funding scope over the years and that the federal government had never asked for the money back.

Senator Kelly asked about the process of releasing audits. "What confidentiality is applying here and who is making the decision to release information?" Mr. Berg responded that a draft report had been given to executive staff at the agency with a letter saying it was not to be released publicly until it has been approved for release by the Legislature. The Legislative Council delegated responsibility for audit report releases to the co-chairs of JFAC.

Cathy Holland-Smith said funding for Head Start had not been cut, though that was part of a Department of Health and Welfare recommendation to the Governor. According to the Governor's Office, the Governor's Coordinating Council for Families and Children and some programs of the Generation of the Child, including Parents as Teachers, have been or are in the process of being stopped. The new administration had been looking at these programs since taking office and had made several JFAC members and other legislators aware of that. They wanted an opportunity to look at the programs not only in light of the question of proper use of TANF funds, but because federal funds are declining rapidly and the state does not have sufficient funds to maintain all these programs. Senator Stennett, noting that the Legislature passed the fiscal appropriation for the Parents as Teachers program asked, "How can that be summarily dismissed and cancelled?" Mrs. Holland-Smith responded that the funds had been appropriated to the Division of Family and Children's Services in one bill, without line item designation for individual programs. "Executive agencies do have some real flexibility when it comes to how they manage those base resources."

Representative Jaquet said one of her concerns was her understanding that former Governor Risch had signed contracts for Parents as Teachers to go forward another year. "For people to get a phone call last Friday saying they would no longer have positions as of June 15 or 16 is not what I anticipated was going to happen." Representative Jaquet said she would like to suggest that the Council send a letter to the Governor, agency and JFAC co-chairs indicating that the Council would like to see the Parents as Teachers program funded until the contract former Governor Risch signed is completed. "I think two weeks' notice when they thought they had another year is really unfair to constituents using Parents as Teachers, as well as to those people who are working for us."

Senator Davis said he thought it was a dangerous precedent for Legislative Council to weigh in on policy decisions. "I don't believe the Legislative Council should function as a super-legislative body. I don't think anything could prohibit a member of this Council or the caucuses from expressing support or concern on any given issue, but I don't think that is a direction in which the Council should be going." Senator Langhorst said he'd be inclined to agree with Senator Davis if this involved changing policy, but "the Legislature's gone home and I think what's being asked is that we just stand up and support decisions that the Legislature made that are being changed while the Legislature isn't in, and this is really the only forum of expression for the Legislature for keeping

policy going forward during the year, so I support the idea.”

Senator Davis said he didn’t know that the program funding was a change, that the Council doesn’t have the information needed to make a meaningful decision. “We want to make informed decisions. I don’t know enough to know if I can make a meaningfully informed decision. We did not give notice of this subject and we don’t have people here to give us the pluses and minuses of what’s going on. For us to just unilaterally make the determination that as a Council we want to go in a certain direction I don’t think is a healthy thing to do.” JFAC Co-chair Dean Cameron, who was sitting in on the meeting said, “The executive branch does have the authority to run their agencies and make sure that the money is handled appropriately when we’re not here in session.” He went on to say he didn’t have enough information yet to know what he thought about the funding moves. Representative Jaquet said the concern she has is that the Parents as Teachers program across the state has been given notice to shut down in mid June. Pro Tem Geddes asked Cathy Holland-Smith to return after lunch with more information about the program and the funding issue.

LEGISLATIVE COUNCIL APPOINTMENTS

Pro Tem Geddes said that in consultation with the Speaker, the Senate and the House would each have five members on the Natural Resources Interim Committee, four Republicans and one Democrat. He recommended that membership of the Energy, Environment and Technology Interim Committee remain at seven members per house, five Republicans and two Democrats. Speaker Denney recommended that the Forest Service System and Woody Biomass Interim Committee have a balanced membership of four from each body, two Republicans and two Democrats.

Council consensus was that the Tax Exemption Interim Committee be comprised of seven members from each body, five Republicans and two Democrats. A new Nursing Workforce Advisory Council, authorized by passage of HB 155aa, requires that two senators and two representatives be appointed by the Legislative Council.

Pro Tem Geddes said leadership had received requests for eight task forces and noted how difficult it would be for legislators to staff them in addition to the interim committees. The requests include task forces to study city annexation procedures and urban renewal, Treasure Valley transportation issues, dual-track salaries for teachers, early childhood development, the ability of cities and counties to bond, the effect of tax policies on the family, and dealers and the Farm Produce Act.

The Council reconvened after a lunch break to consider interim committee appointments. Pro Tem Geddes and Speaker Denney reported on the consensus of the caucuses regarding interim committee membership. The legislative appointments were approved unanimously on a motion by Senator Davis, with a second by Senator Langhorst. Members of the four interim committees are listed in Attachment A.

Pro Tem Geddes said there was some interest in the additional task forces being considered, but no decisions had been made regarding which would be formed. In response to a question from Representative Jaquet, Pro Tem Geddes said that he and the Speaker would communicate to members their decisions regarding which additional task forces would be formed as soon as they were made. Representative Jaquet inquired about a task force on Idaho’s election process that had been suggested by John Watts. Pro Tem Geddes responded that Mr. Watts had discussed the possibility of an election task force with leadership, who told him they would consider the idea further, but would put it in abeyance for the time being.

Council members then considered other statutory Legislative Council appointments to the Idaho Housing and Finance Association, Joint Legislative Oversight Committee (co-chairs), Pacific Fisheries Legislative Task Force, Pacific States Radioactive Material Transportation Committee and the Idaho Quality Assurance Institute. These statutory Legislative Council appointments are as follows (also listed on Attachment B).

- < On a motion by Senator Stennett, seconded by Representative Pasley-Stuart, the Council voted unanimously to appoint Senator Davis to the Pacific States Radioactive Materials Transportation Committee.
- < Representative Jaquet moved and Senator Stennett seconded the appointment of legislative advisors to the Idaho Housing and Finance Association as follows: Senators Corder and Malepeai and Representatives Hart and Pasley-Stuart. The motion carried unanimously.
- < Senator Davis moved and Senator Lodge seconded a motion to appoint Senator Keough and Representative Henbest as co-chairs of the Joint Legislative Oversight Committee. The motion carried unanimously.
- < The Council voted unanimously, on a motion by Senator Davis and a second by Representative Pasley-Stuart, to appoint Senators Stegner and Langhorst and Representatives Fred Wood and Mary Lou Shepherd to the Pacific Fisheries Legislative Task Force.
- < On a motion by Representative Jaquet, seconded by Senator Davis, the Council voted unanimously to appoint to the Idaho Food Quality Assurance Institute Senators Gannon and Kelly and Representatives Bell and Pence.

TANF FUNDING UPDATE

Cathy Holland-Smith said she and Mr. Berg had reviewed available information on the TANF funding issue during the lunch break and had a copy of some recommendations that were given to the press, but had not been able to get information from the Governor's Office on what direction had been given to the agencies. Mrs. Holland-Smith said they needed more information to brief the Council adequately. Pro Tem Geddes said he thought there was insufficient information to make a motion or to take further action, and that he would like to encourage JFAC to continue to look at the issue in more detail "so we can evaluate where we're at and perhaps evaluate what we need to do." Representative Jaquet said that, rather than to wait for the JFAC meeting in June, she would like to make a motion that Legislative Council send a letter to the Governor and the JFAC co-chairs requesting that the Parents as Teachers program be continued through the next fiscal year, as provided for and embedded in the Health and Welfare budget passed by the 2007 Legislature. Senator Langhorst seconded the motion.

Senator Davis made a substitute motion that Legislative Council request that JFAC ask the Governor what his intentions are regarding the Parents as Teacher program, ask the Governor to give JFAC an update on his intentions, then ask JFAC to notify Legislative Council of their understanding, explaining what their intent was in the legislation, as well as their understanding of the Governor's intentions regarding the Parents as Teachers program. The motion was seconded by Senator Lodge.

Senator Stennett said the statute under which the Council operates clearly allows the Legislative Council to recommend implementation of state law, “and this is a state law, not a new program. We passed it 35 days ago before we left. What we’re saying is that we want to continue to spend the funds as written in that state law. We’re at this juncture where the whole program will be unraveled in about a month if we don’t do something.”

Senator Davis said he imagined he had supported the legislation and if it was law, the Governor had either signed off on it or allowed it to go into law. “I don’t know enough to know what the Governor’s position is on it. I don’t see anything on the agenda that deals with the issue. Had it been a calendared item and we had invited the Governor’s Office to present information, it may or may not be an area of concern. What my substitute motion says is that we have not had an opportunity to understand what is going on and we have a committee that is going to meet in just two weeks to make those inquiries and take a position consistent with the budget they have passed.”

Pro Tem Geddes called for a vote on the substitute motion. Senator Stennett asked for a roll call vote. Those voting in favor of the substitute motion were Senators Geddes, Davis and Lodge, and Representatives Denney, Moyle, Collins and Anderson. Those voting against the substitute motion were Senators Stennett, Langhorst and Kelly, and Representatives Jaquet, Pasley-Stuart and LeFavour. The substitute motion passed on a seven to six vote. As a result, Pro Tem Geddes said “The Council will defer to JFAC to continue to investigate and, hopefully, remind the Governor and his staff of current law.”

CAPITOL RESTORATION AND SWING SPACE UPDATE

Project Manager Jan Frew updated the Council on activities related to the Capitol restoration, including contracts that are in place. Lemley/3DI is responsible for overseeing the entire project, CSHQA is the overall architect for the restoration, McAlvain Construction is the design/build company for the core and shell of the underground wings, and Jacobson Hunt Joint Venture is responsible for construction management for the restoration portion of the project and for the build out of the wings’ interior.

Phase I construction of the Capitol Annex for full-time staff is complete. Phase II construction is now underway. Current activities include Senate desks being removed from the Capitol, with the desks to be modified for installation in the temporary Senate chamber in the Annex. The House desks will not fit in the temporary space, so custom desks are being built. A mezzanine to be accessed from the fourth floor will be built in the temporary House chamber to provide space for 20 desks, improving vision of floor action for everyone and allowing desks to be somewhat larger than they otherwise could be. GUHO Corp. anticipates Phase II construction of all offices and committee rooms to be completed in September. Construction of the Senate and House chambers is slated for completion in October.

Offices of elected officials have been relocated, with the Governor and some staff in the Borah Building and the Division of Financial Management in the J.R. Williams Building. The Treasurer is relocated to the Borah Building. The Secretary of State is in the Borah Building and the State Library. The Attorney General is in the J.R. Williams Building and the Department of Lands Building. Mrs. Frew reported being very pleased with the moving companies working to relocate offices, which have been able to move during weekends, allowing for continued operations with little interruption.

Detailed planning is continuing on the restoration project. Floor plans for all floors of the Statehouse have been approved. One of the next steps is to start working with user groups in the building to finish such details as data communications and electrical outlet locations. The Phase I bid package, which includes demolition and preservation work for historic finishes, is now out for bid. Jeff Youtz noted that he, Andy Erstad and Carl Bianchi serve on a Capitol Commission Design and Construction Subcommittee that meets with the project manager and contractors every week on the restoration plans. "At some point in the near future," Mr. Youtz said, "we'll be getting the Advisory Committee back together to get input on such things as the look of the hearing rooms; we'll actively involve the Legislature once again."

Mrs. Frew described building plans and reviewed slides of the layout for the new Capitol wings. Mr. Youtz noted that the Design Subcommittee was working with planners to maximize the skylights in the wings and to add skylights over the dining room. Mrs. Frew said the entire project was on schedule, with the Capitol restoration planned for completion by November 2009. There will be cameras installed at the Capitol to video stream the construction work in the spring, allowing legislators and the public to follow the progress of the work. Pro Tem Geddes said he had noticed some historical items in the Supreme Court Building that looked like they may originally have been in the Capitol and asked if there would be an attempt to return such items to the restored Capitol. Mrs. Frew responded that an ongoing effort was being made to identify historical items that were originally located in the Capitol, but that the response from agencies had been limited. Efforts to identify and have such items returned will continue.

VIDEO STREAMING PILOT PROJECT

General Manager Peter Morrill, Idaho Public Television, reviewed the pilot project conducted during the 2007 legislative session, "Legislature Live." New video cameras were installed in the House and Senate chambers and remotely operated from a control room in the Capitol basement. Gavel-to-gavel video coverage of House and Senate floor action was distributed by Idaho Public Television through its Web site (idahoptv.org), through IdahoPTV statewide digital TV, and by CableOne and Time Warner Cable. Coverage of JFAC meetings continued with audio transmissions only. Mr. Morrill reported that the IdahoPTV Web site had 22,774 hits during the session, with 17,798 minutes of video being played. He went on to note that a surge of usage at the end of the session overloaded the system.

Meetings between Idaho Public Television, Legislative Services and the Department of Administration identified the need for additional broadband capacity in the Capitol Mall area, particularly as the next two sessions will rely heavily on electronic distribution of legislative activity to ensure public access. The Legislature approved money to essentially double broadband capacity before the next session, and plans have been made to locate cable hook-ups in various parts of the Capitol Annex. Pro Tem Geddes said he had received many good comments from those who followed the Legislature online, particularly regarding the enhanced quality of the video this year. He said the thought the pilot project had worked out well.

Mr. Youtz drafted a memorandum of agreement (MOA) between the Legislature and Idaho Public Television following concerns about video coverage of the Legislature raised by Senator Davis at the November 2006 meeting of the Legislative Council. Senator Davis said he had not finished his rewrite of the draft MOA. Once he has completed it, he will send a copy to Senator Kelly for review and comment. "We can present a final version to the Council at the fall meeting."

PRELIMINARY DISCUSSION OF 2008 LEGISLATIVE SESSION

Mr. Youtz reported that work on the Capitol Annex was scheduled to be completed in October, giving the Legislature a couple of months to make sure everything was in good order for the 2008 session. Senator Davis told the Council that removal of the WPA-era murals from the walls of the courthouse was not possible without damaging or destroying them. Saying his recommendation would be to have interpretive signs prepared for display with the murals, Senator Davis moved that the Indian Affairs Council be invited to prepare interpretive language for display with the Indian-related murals. Senator Kelly seconded the motion. Senator Stegner said he found the art quality to be terrible and preferred removing the murals and donating them to the Historical Society. Representative LeFavour said that when she first saw them, she had been pleasantly impressed with the murals. The motion carried unanimously.

The Council then discussed technology approaches for the 2008 session, including cable-ready rooms in the Capitol Annex, options for House voting, wireless access, printing from chambers and legislator office needs in the J.R. Williams Building. Representative Moyle asked what the cost would be to expand live audio capacity in the Annex, saying expanding the audio capacity would limit the need for more cable connections. Senator Davis said he thinks it behooves the Legislature to have video broadcasts of the action on the floor to provide public access that would otherwise be unavailable due to limited space in the Annex and lack of public galleries. There was general consensus among Council members that real-time audio capability, instead of the 20-second delay inherent to Internet streaming, would be advantageous for legislators and many staff.

Glenn Harris, Peter Morrill and Jeff Youtz will get cost estimates of expanded real-time audio capability for consideration by the Advisory Committee on Swing Space and Relocation as soon as possible. Representative Jaquet said she was not comfortable with a laptop display of voting in the House, and Mr. Harris said he would prepare voting system options for further consideration. In response to a question from Mr. Harris, Pro Tem Geddes said that, based on lack of past utilization of J.R. Williams office space by legislators in the past, he felt it would not be a good use of resources to enhance that space to any great degree, and Representative Pasley-Stuart voiced her agreement. Pro Tem Geddes said that leadership would visit the space and determine what to do about the office space in the interim.

The Council discussed possible options for shortening the 2008 session. There was general agreement to hold an open house in October for agency personnel, media and lobbyists. The possibility of meeting for rules review in December met with little enthusiasm, and Pro Tem Geddes said it would be more helpful to encourage the Office of Administrative Rules to post the proposed rules dockets for legislative review on the Internet as early as possible. Because of limited space, Council members agreed that public functions such as Buy Idaho, school tours and Music Week concerts should be discouraged while the Legislature is housed in the Capitol Annex. "There's no room at the inn," said Pro Tem Geddes. Because there will be no on-site dining facilities, he told the Council it would be helpful to adjourn at 11:30 a.m. for lunch so legislators wouldn't be subject to long delays over the noon recess. He also said it would be helpful if events for legislators that include meals are scheduled for the lunch hour rather than the evening.

MISCELLANEOUS

Representative Jaquet made a motion that two minority interim committee assignments be changed, and Senator Kelly seconded the motion. The Council voted unanimously to appoint Representative Killen to the Tax Exemptions Interim Committee and Representative Sayler to the National Forest System and Woody Biomass Interim Committee.

The Council, by general consensus, agreed to schedule its fall meeting on Friday, November 2, 2007.

Senator Stennett moved that the minutes of the November 9, 2006, Legislative Council meeting be approved. Senator Lodge seconded the motion. The Council voted unanimously to approve the minutes as written.

Representative Pasley-Stuart voiced concern she has heard from constituents regarding the state insurance plan's change in benefits and the increased costs state employees and retirees will have to pay. Senator Cameron said that JFAC would look into this at its June meeting.

Senator Geddes adjourned the meeting at 5:00 p.m.

2007 Interim Committees

Natural Resources Interim Committee HCR 12

Senate

Gary Schroeder, Co-chair
Brad Little
Charles Coiner
Clint Stennett
Jeff Siddoway
Steven Bair (Ad Hoc)
Lee Heinrich (Ad Hoc)
Dean Cameron (Ad Hoc)

House

Dell Raybould, Co-Chair
Bert Stevenson
Scott Bedke
Mike Moyle
Donna Pence
JoAn Wood (Ad Hoc)
Jim Clark (Ad Hoc)
Jim Patrick (Ad Hoc)

Energy, Environment and Technology Interim Committee HCR 25

Senate

Curt McKenzie, Co-chair
Patti Anne Lodge
Tom Gannon
Mike Jorgenson
Russell Fulcher
Elliot Werk
Kate Kelly

House

George Eskridge, Co-chair
Maxine Bell
Bert Stevenson
Bob Nonini
Ken Andrus
Eric Anderson
Elaine Smith
Wendy Jaquet (Ad Hoc)
Mark Snodgrass (Ad Hoc)

National Forest System and Woody Biomass Interim Committee HCR 26-27

Senate

Joyce Broadsword, Co-chair
Robert Geddes
Clint Stennett
Edgar Malepeai

House

Ken Roberts, Co-chair
Lawrence Denney
Wendy Jaquet
George Saylor

Tax Exemptions Interim Committee SCR 119

Senate

Brent Hill, Co-chair
Joe Stegner
Tim Corder
Lee Heinrich
Jeff Siddoway
David Langhorst
Diane Bilyeu

House

Dennis Lake, Co-chair
Gary Collins
Jim Clark
Scott Bedke
Mike Moyle
Nichole LeFavour
Bill Killen

STATUTORY LEGISLATIVE COUNCIL APPOINTMENTS

**Idaho Housing and Finance Association
§67-8301**

Senate

Corder
Malepeai

House

Hart
Pasley-Stuart

**Joint Legislative Oversight Committee
§67-457**

Senate

Keough, Co-chair

House

Henbest, Co-chair

**Pacific Fisheries Legislative Task Force
§67-452**

Senate

Stegner
Langhorst

House

F. Wood
M. Shepherd

**Pacific States Radioactive Materials Transportation Committee
§39-3029**

Senator Bart Davis

**Idaho Food Quality Assurance Institute
§67-8301**

Senate

Gannon
Kelly

House

Bell
Pence

**Nursing Workforce Advisory Council
§67-4727**

Senate

McGee
Bilyeu

House

F. Wood
Henbest